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FILED  
DISTRICT COURT OF GUAM

MAY 10 2004

MARY L. M. MORAN  
CLERK OF COURT

19

10 UNITED STATES DISTRICT COURT OF GUAM

11 TERRITORY OF GUAM

12 **PEOPLE HOLDINGS CO. LTD.,**

13 Plaintiff,

14 vs.

15 **SUN Y. WAKUGAWA and**  
16 **KOWON SHIPPING CORP.,**

17 Defendants.

Civil Case No. CIV03-00034

**SCHEDULING ORDER AND  
DISCOVERY PLAN**

18 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure("FRCP") and  
19 Rules 16.1 and 16.2 of the Local Rules of the District Court of Guam, the parties hereby submit  
20 the following Second Amended Scheduling Order and Discovery Plan:

21 1. The nature of the case is as follows:

22 This is an action by the Plaintiff for BREACH OF CONTRACT and other relief with  
23 respect to a claim under diversity jurisdiction and counterclaims by defendants.  
24

25 2. The posture of the case is as follows:

PEOPLE'S HOLDING CO., LTD., vs. SUN Y. WAKUGAWA and KOWON SHIPPING CORP.

Civil Case No. CIV03-00034

SCHEDULING ORDER AND DISCOVERY PLAN

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a) The following motions are on file:

None.

b) The following motions have been resolved:

Plaintiff's motion for injunctive relief.

c) The following discovery has been initiated: Defendant has provided Plaintiff with all initial disclosures required by the Rules of Civil Procedure, Rule 26, and Local Rules of the District Court Of Guam.

3. All motions to amend pleadings shall be filed on or before June 30, 2004

4. Pre-Trial Discovery :

a) The times for disclosures under Rules 26(a) and 26(e) of the Federal Rules of Civil Procedure ("FRCP") are modified as follows:

(1) The "Initial Disclosures" described in subsections (A), (B), and (D) of FRCP Rules 26(a)(1) required to be provided by Plaintiff will be provided within fifteen (15) days.

(2) The "Disclosure of Expert Testimony" as required under FRCP Rule 26(a)(2) shall be made at least 90 days before the trial date.

(3) The "Pretrial Disclosures" described in Rule FRCP Rule 26(a)(3) shall be made at least 30 days before the trial date, and if not timely made a party may make the objections provided for in FRCP 26(A)(3) in the manner set forth therein.

b) The following is a description and schedule of all pretrial discovery that Defendant intends to initiate prior to close of discovery:

(1) Subject to the discovery cut-off date and applicable provisions of the FRCP, and the LR, the parties may each undertake, at such times as each deems appropriate, any discovery authorized by FRCP.

5. The Discovery cut-off (defined as the last day to file responses to discovery) is December 1, 2004.

6. a) The anticipated Discovery motions are: The parties reserve the right to file such discovery motions as may be appropriate under the circumstances. All discovery motions shall be filed on or before January 31, 2005 and heard at February 24, 2005 on 10:30 am.

b) The anticipated dispositive motions are: The parties reserve the right to make such dispositive motions as they deem appropriate, including motions for summary judgment and motions for judgment on the pleadings. All dispositive motions shall be filed on or before March 31, 2005, and heard at 10:30 am, on April 26, 2005.

7. The prospects for settlement are unknown at this time.

8. Each party shall serve and file a Trial Brief (no later than 30 days prior to trial) on or before August 8, 2005.

9. The Preliminary Pretrial Conference shall be held (No later than twenty-one (21) days prior to trial date) on August 17, 2005 at 3:00 pm.

10. The Parties' pretrial materials, discovery material, witness lists, jury instructions, designations and exhibit lists under LR 16.7 shall be filed (no later than fourteen (14) days prior to trial) on or before August 22, 2005.

11. The Proposed Pretrial Order under LR 16.7 shall be filed (no later than fourteen (14) days prior to trial) on August 24, 2005.

12. The Final Pretrial Conference shall be held at 3:00 pm on August 31, 2005.

13. The trial shall be held at 9:30 a.m., starting on September 7, 2005.

14. The trial shall be non jury.

15. It is anticipated that it will take five (5) days to try this case.

16. The names of counsel on this case are: The attorney for the Plaintiff is Mun Su Park, Esq. The attorney for Defendants is Curtis C. Van de veld, Esq.

17. The parties request submitting this case to a settlement conference.

18. The parties present the following suggestions are for shortening trial: None at this time.

19. The following issues will also affect the status or management of the case: None at this time.

MAY 10 2004

SO ORDERED: this \_\_\_\_\_.

**RECEIVED**

**MAY 07 2004**

DISTRICT COURT OF GUAM  
HAGATNA, GUAM

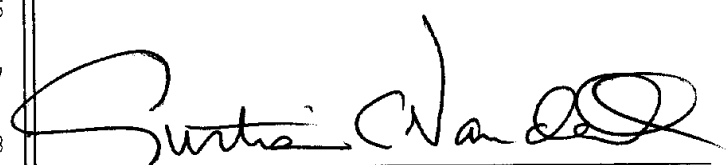
  
HONORABLE JOAQUIN V.E. MANIBUSAN, JR.  
DESIGNATED JUDGE, DISTRICT COURT OF GUAM

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APPROVED AS TO FORM:



Mr. MUN SU PARK  
Attorney for Plaintiff



Mr. CURTIS C. VAN DE VELD  
Attorney for Defendants

CCV:ccv  
VPP/S.Y. WAKUGAWA/CV001532